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(971) 228-0014

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF OREGON

In re  
Philip Michael Goldfeld  
Anne Ashton Goldfeld  
Debtors.  
Philip Michael Goldfeld  
Anne Ashton Goldfeld  
Plaintiffs,  
vs.  
Jeffrey A. Long, Trustee of  
Elizabeth Steiner Trust  
and  
Gretchen Steiner Pan  
Defendants.

COMES NOW, Plaintiffs, by and through their attorney, Erik Graeff, and alleges as follows:

1.

This court has jurisdiction under 11 U.S.C. § 362 and 28 U.S.C. § 1334.

AMENDED COMPLAINT FOR WILLFUL  
VIOLATION OF AUTOMATIC STAY - 1

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1 2.

2 Plaintiff filed a chapter 7 bankruptcy petition on  
3 September 24, 2015, and this adversary proceeding relates to the  
4 above-referenced case.

5 3.

6 Defendant Jeffery A. Long(hereinafter referred to as "JLT")  
7 is the trustee of the Elizabeth Steiner trust(hereinafter  
8 referred to as "the trust") is located in and administering the  
9 trust in the state of Oregon. The trust is governed by the laws  
10 of the state of Oregon.

11 4.

12 Defendant Gretchen Steiner Pan (hereinafter referred to as  
13 "Ms. Pan") is an individual living in the state of Oregon and  
14 sole beneficiary of the trust.

15 5.

16 Ms. Pan is a creditor of Plaintiffs as defined by 11  
17 U.S.C. §101(10).

18 6.

19 U.S.C. §101(10) defines a creditor as an entity that has a  
20 claim against the debtor that arose at the time of or before the  
21 order for relief concerning the debtor.

22 7.

23 U.S.C. §101(15) defines an entity to include persons.  
24  
25

8.

U.S.C. §101(5)(A) defines a claim as the "right to payment whether or not such a right is reduced to judgment, liquidated, unliquidated, fixed, contingent, matured, unmatured, disputed, legal, equitable, secured, or unsecured; (B) right to an equitable remedy for breach of performance if such breach gives rise to a right to payment, whether or not such right to an equitable relief is reduced to judgment, fixed, contingent, matured, unmatured, disputed, undisputed, secured, or unsecured.

9.

Ms. Pan has a claim against Plaintiffs that arose at the time of or before the order for relief concerning the debtor.

10.

Ms. Pan appeared at the Plaintiffs' Chapter 7 Bankruptcy 341 hearing on October 22, 2015.

11.

When the Bankruptcy Trustee Rodolfo Camacho asked if there were any creditors present, Ms. Pan answered yes and approached the Trustee's table to sign in.

12.

Ms. Pan told Trustee Camacho that JLT "lent these people, I think around \$100,000."

13.

Trustee Camacho asked Ms. Pan, "Whose money is this?"

1 14.

2 Ms. Pan answered that it is her late mother's trust  
3 fund, JLT is the Trustee, and that Ms. Pan is the sole  
4 beneficiary of the Trust.

5 15.

6 Ms. Pan explained to the Trustee Camacho that her  
7 mother wanted a trustee appointed because Ms. Pan's husband is a  
8 doctor and Ms. Pan's mother was afraid of a malpractice lawsuit  
9 that would involve the trust funds.

10 16.

11 Plaintiff testified at the 341 hearing that he  
12 approached JLT for consultation regarding Plaintiff's business.

13 17.

14 JLT asked Plaintiff what he needed to make his  
15 business work.

16 18.

17 Plaintiff answered that he needed to be able to pay  
18 his bills.

19 19.

20 JLT told Plaintiff he knew where he could get the money  
21 to move forward with his business.

22 20.

23 Plaintiff told the Bankruptcy Trustee that JLT brought  
24 in Ms. Pan and her trust.

1 21.

2 In April 2012, Plaintiffs signed a Promissory Note  
3 presented to Plaintiffs by JLT.

4 22.

5 Defendants JLT and Ms. Pan were properly listed on the  
6 original schedule F with two notice addresses. See schedule F  
7 in the petition.  
8

9 23.

10 The Plaintiff's 341 hearing took place on October 22, 2015.  
11 Defendant Ms. Pan showed up early to attend the hearing and  
12 defendant JLT did not attend. Before the hearing, Defendant Ms.  
13 Pan with the assistance of defendant JLT had falsely informed  
14 the federal authorities that Plaintiffs were carrying firearms  
15 with them at hearing. Defendants had no reason to believe the  
16 Plaintiffs had firearms with them.

17 24.

18 This was told to the authorities with the intent to harass  
19 and intimidate the Plaintiffs, and out of spite for the  
20 Plaintiffs in relation to the debt owed to Defendants. The SWAT  
21 team showed up, searched everyone, and the entire proceedings  
22 were disturbed.

23 25.

24 As the SWAT team began to search people, Ms. Pan stated  
25 loudly to everyone, while pointing at Plaintiff Philip Michael

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1 Goldfeld, "That's him, he has two hand guns and an Uzi on him."  
2 In fact, Ms. Pan had no reason to believe the Plaintiff had any  
3 weapon on him. The Plaintiff was wearing biker shorts and other  
4 thin clothing that would have made concealment of weapons  
5 impossible. After the Plaintiffs were searched, no firearms  
6 were found.

7 26.

8 After the Plaintiff's 341 hearing started with the  
9 Chapter 7 trustee Rodolfo Camacho, Ms. Pan stated on the record  
10 that she was the sole beneficiary of the trust and that trustee  
11 JLT had loaned the Plaintiffs \$100,000 of money from the trust  
12 that they did not pay back.

13 27.

14 One day after the hearing defendant Ms. Pan went online to  
15 post a negative comment about the Plaintiff's family and  
16 business. She posted a response to an article that had been  
17 written about the Plaintiffs several years earlier.

18 28.

19 The article was in the Oregonian online. On October 23,  
20 2015 one day after the 341 hearing Ms. Pan posted, "Carry home  
21 anything major is never a problem for Anne & Phil Goldfeld. The  
22 Car Free Family can't afford large appliances! Their lifestyle  
23 is not sustainable & every few years, they file for Bankruptcy.  
24 First in Arizona, then ten years later, right here in Oregon in  
25

1 2015. The Goldfelds are Grifters!! They brought their own  
2 special disingenuous brand of criminality to Hillsboro, Oregon."

3 29.

4 Defendant's conduct was at all relevant times done with the  
5 intent to harass and intimidate the Plaintiffs and to maximize  
6 their chance for collecting the debt owed.

7 30.

8 Defendants willfully violated the automatic stay when they  
9 falsely informed the federal authorities that the Plaintiffs  
10 were armed at the hearing because this false allegation was  
11 designed to harass and to collect a debt.

12 31.

13 Defendants willfully violated the automatic stay when they  
14 went online to post negative comments about the Plaintiffs  
15 because this was an attempt to collect a pre-petition debt.

16  
17 FIRST CLAIM FOR RELIEF

18 (Actual Damages - 11 U.S.C. § 362(k))

19 32.

20 The Plaintiffs incorporate herein the allegations contained  
21 in paragraphs 1-31 above.

22 33.

23 The Plaintiffs have suffered actual damages in the amount  
24 of \$10,000 or in an amount to be proven at trial, and should be  
25 awarded such damages.

AMENDED COMPLAINT FOR WILLFUL  
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1  
2 SECOND CLAIM FOR RELIEF

3 (Punitive Damages - 11 U.S.C. § 362(k))

4 34.

5 The Plaintiffs incorporate herein the allegations contained  
6 in paragraphs 1-33 above.

7 35.

8 The defendant's conduct was willful, wanton and outrageous  
9 such that Plaintiffs should be awarded punitive damages in the  
10 amount of \$90,000.

11  
12 THIRD CLAIM FOR RELIEF

13 (Attorney Fees and Costs - 11 U.S.C. § 362(k))

14 36.

15 The Plaintiffs incorporate herein the allegations contained  
16 in paragraphs 1-35 above.

17 37.

18 But for the Defendants' violation of the automatic stay,  
19 the Plaintiff would not have had to initiate this adversary  
20 proceeding to enforce its provisions.

21 38.

22 The Plaintiffs should be awarded reasonable attorney fees  
23 and costs expended in pursuing the preceding claims.



39.

FOURTH CLAIM FOR RELIEF

(Compensatory Civil Contempt - 11 U.S.C. § 105)

Plaintiff incorporates herein the allegations contained in paragraphs 1-38 above.

40.

Defendant's attempts to collect the debt in violation of the automatic stay under 11 U.S.C. § 362 is subject to the court's contempt powers. Defendants should be held in contempt of court pursuant to U.S.C. §105 and be ordered to pay compensatory damages to Plaintiffs in the amount of \$25,000.

WHEREFORE, the Plaintiff prays for the following:

- a. Award the Plaintiffs Actual Damages in an amount of \$10,000 or in an amount to be determined at trial;
- b. Award the Plaintiffs Punitive Damages of \$90,000;
- c. Award the Plaintiffs reasonable attorney fees and costs; and
- d. Award Plaintiff compensation for civil contempt in an amount of \$25,000.

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1           e.    Grant such equitable relief or other relief as  
2                this court deems just and appropriate.

3  
4 Dated: March 7, 2016

5                               Law Offices of Erik Graeff P.C.

6                               /s/ Erik Graeff  
7                               Erik Graeff, OSB #102169  
8                               Attorney for Plaintiffs  
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